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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Part 90 ) PR Docket No. 92-209  
of the Commission's Rules )  
to Expand Coordination ) RM-7965  
of the 800 MHz )  
General Category Channels )

To: The Commission

MOTION FOR ACCEPTANCE OF LATE-FILED REPLY COMMENTS

The Industrial Telecommunications Association, Inc. ("ITA"), respectfully requests that the Federal Communications Commission accept the enclosed Reply Comments in the above-referenced proceeding. The reply comment date in this proceeding was December 14, 1992. These Reply Comments are being filed on December 15, 1992.

Acceptance of these Reply Comments will assist in the effort to resolve the matters under consideration in this proceeding. No party will be adversely affected by the late filing of these Reply Comments.

Accordingly, the Commission is respectfully requested to accept these Reply Comments for filing in this proceeding.

INDUSTRIAL TELECOMMUNICATIONS  
ASSOCIATION, INC.

*Frederick J. Day*

Frederick J. Day, Esq.  
Director, Government Relations

Dated: December 15, 1992

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ENCLOSURE

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To: The Commission

REPLY COMMENTS  
OF THE  
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.

The Industrial Telecommunications Association, Inc. ("ITA"), pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. 1.415, hereby respectfully submits these Reply Comments in the above-referenced proceeding.<sup>1</sup>

## I. BACKGROUND

1. In this proceeding, the Commission proposed to permit applicants for conventional Specialized Mobile Radio ("SMR") systems on General Category frequencies to obtain service from any of the three recognized frequency coordinators for 800 MHz, the Industrial Telecommunications Association, Inc. ("ITA"), the

<sup>1</sup> The Notice of Proposed Rule Making in this proceeding was adopted on September 9, 1992. The comment date was November 27, 1992.

National Association of Business and Educational Radio, Inc. ("NABER"), and the Associated Public-Safety Communications Officers ("APCO"). The Commission's proposal resulted from a Petition for Rule Making filed by ITA on February 4, 1992.

2. The Council of Independent Communication Suppliers ("CICS"), the American Mobile Telecommunications Association, Inc. ("AMTA"), NABER, APCO and ITA filed comments in this proceeding. With the exception of APCO, which did not take a position on the matter at issue, all of the parties expressed support for the proposal.<sup>2</sup> Additionally, Fleet Call, Inc. filed reply comments on December 10, 1992 supporting the Commission's proposal. ITA's views on the matters discussed in the various comments are presented below.

## II. REPLY COMMENTS

3. The comments filed by NABER in this proceeding call the Commission's attention to what it perceives to be inconsistencies in the approach to coordination of 800 MHz General Category channels. Similarly, AMTA takes this opportunity to address "more significant flaws" in the 800 MHz coordination process. ITA will

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<sup>2</sup> As discussed in some detail in subsequent paragraphs, AMTA and NABER conditioned their support on implementation of other changes in the processing of General Category channels.

direct its reply comments principally to the concerns expressed by the foregoing two parties.

4. NABER construes the proposal in this proceeding to be a renunciation of the principle, articulated in PR Docket No. 83-737, that coordinators should be representative of the service in which the applicant asserts eligibility. On the assumption that the representative nature of the coordinator is no longer a critical concern, NABER argues that the Commission must permit any applicant seeking to use the General Category channels for conventional operations to have the option of obtaining coordination from any one of the recognized 800 MHz coordinators.

5. As a practical matter, ITA does not foresee a great deal of difficulty with NABER's proposal.<sup>3</sup> Indeed, there may be a benefit to the public in allowing any applicant for General Category conventional operations to submit its application to any of the three recognized 800 MHz coordinators, regardless of the service in which the applicant claims eligibility.<sup>4</sup> Nonetheless,

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<sup>3</sup> ITA does agree, however, with Fleet Call, Inc.'s view, expressed in its Reply Comments, that the alternative approach which NABER suggests is outside the scope of the proposal in this proceeding.

<sup>4</sup> ITA does note, however, that APCO's comments make it clear that APCO has "no current desire or intent to coordinate frequencies for non-public safety entities." Just as ITA claims no special expertise in the processing of applications for 800 MHz public safety systems, APCO apparently recognizes that it is best

ITA must take issue with the logic underlying NABER's suggestion.

6. When the Commission undertook its discussion of the criteria for selecting frequency coordinators in PR Docket No. 83-737, it was careful to require that a certified frequency coordinator be representative of the "users" in a particular service. Therefore, for example, the Report and Order in that proceeding states that "... we looked first to ascertain whether the organization was representative of users in the radio service it proposed to coordinate."<sup>5</sup> Likewise, in other discussions, the Report and Order speaks of "the need for a coordinator to be representative of the users in the category for which it would be certified."<sup>6</sup>

7. ITA respectfully submits that the Commission's well-stated intention is that the representative character of a frequency

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suited to coordinating applications for public safety systems. Should the Commission adopt NABER's suggested alternative, circumstances may arise where a business or industrial/land transportation applicant for the General Category channels would, because of speed of processing considerations or other related factors, request coordination from APCO. ITA does not think it would be in the public interest to compel APCO to coordinate, against its wishes, applications filed by non-public safety applicants. To the extent that such a situation may arise under NABER's suggested alternative, ITA does not believe NABER's approach is in the public interest.

<sup>5</sup> Report and Order (FCC 86-143), PR Docket No. 83-737, 103 FCC 2d 1093 (1986), paragraph 70. [Emphasis added.]

<sup>6</sup> Id., paragraph 108. [Emphasis added.]

coordinator should run to the "users" and not solely the "service." In the context of conventional SMR systems, the subscribers to the radio service are more appropriately viewed as the "users" than are the SMR base station licensees. When it comes to subscribers on an SMR system, NABER is in no better position than any other coordinator to argue that it is representative of SMR subscribers.

8. Just as the end users on conventional SMR systems operating on General Category channels may be Business Radio Service eligibles, they are also apt to be industrial, land transportation or public safety entities. With respect to the latter three categories of end users, NABER cannot claim any superior expertise or representativeness. For this reason, ITA does not agree with NABER's underlying premise that the proposal in this proceeding represents a renunciation of the Commission's prior emphasis on representativeness. To the contrary, since ITA and APCO are also representative of certain segments of the end user population which subscribes to service from conventional SMR systems, the Commission's proposal is more appropriately viewed as an affirmation of the representativeness standard.

9. AMTA urges the Commission to consider requiring "cross-coordination" among the coordinators of the General Category frequencies rather than "cross-notification." AMTA states that the current process of cross-notification, combined with the priority

which the FCC places on the date an application is received at the Commission, creates certain fundamental inequities in the frequency coordination process. The problem that AMTA perceives is that there are no assurances that applications for the General Category channels, even with coordination, will be first in line for processing at the Commission.

10. AMTA suggests two alternative solutions to the problem it has identified: (1) requiring the frequency coordinators to cross-coordinate applications for 800 MHz General Category channels or (2) permitting the applicants themselves to perform a data base search and file applications directly with the Commission. As with NABER's proposed alternative, AMTA's suggested solutions are also beyond the scope of the proposal in this proceeding. Moreover, ITA does not believe the approaches outlined by AMTA necessarily represent useful enhancements of the existing coordination system.

11. Though cross-coordination of applications for General Category channels may well promote greater certainty for applicants in some situations, it would also negate some of the benefits inherent in the existing process. Frequency coordinators who seek to remain competitive devote considerable effort to accentuating the positive aspects of their coordination services. Therefore, for example, coordinators place great emphasis on providing expeditious coordinations performed by a staff that is

conscientious and responsive. Coordinators also seek to build good will and confidence in their processes by assuring applicants that all applications are coordinated impartially and in order of receipt.

12. The current cross-notification procedure works well in an environment where building customer confidence is of paramount importance. Simply stated, cross-notification provides both an opportunity and incentive for each frequency coordinator to excel. In contrast, cross-coordination would diminish this opportunity and incentive. With cross-coordination, every coordination, no matter how quickly or competently performed, would be subject to concurrence by two other coordinating entities. This requirement would subject the coordination process to delays and would negate the natural incentives which stem from a competitive environment. If indeed cross-coordination produces a greater certainty for applicants, the heightened level of certainty would be gained at the expense of other benefits that are equally important. Based on the experience which it has gained in coordinating the 800 MHz General Category channels, ITA strongly favors retention of the existing cross-notification process.

13. Similarly, ITA does not support AMTA's suggestion that applicants should be permitted to perform their own data base search and file applications directly with the Commission. This



proposal would introduce greater uncertainty, as well as a large degree of chaos, into the coordination process. Ultimately, this approach would place the burden of coordinating General Category applications directly on the Commission. For these reasons, ITA does not believe that the data base search option suggested by AMTA is a useful alternative.

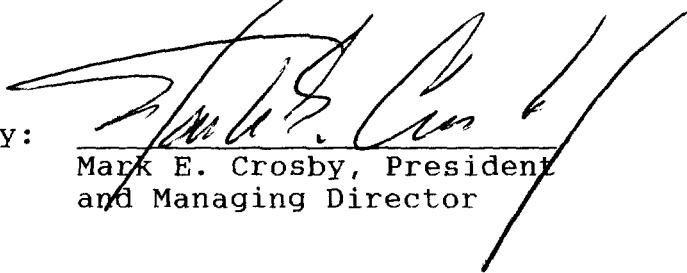
### III. CONCLUSION

14. As ITA noted in its comments filed in this proceeding, applicants seeking to use the General Category channels for conventional SMR stations may find that they are competing for the same channels with applicants seeking to expand or consolidate a trunked SMR system. The requirement that the applicants for a conventional SMR must use a single coordinator may well work to the applicant's disadvantage. For this reason, and the other reasons set forth in ITA's comments, the Commission should proceed to adopt its proposal in this proceeding. Further, ITA believes that the enhancements suggested in the comments filed by NABER and AMTA are outside the scope of the proposals in the instant proceeding.

WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc. respectfully submits these Reply Comments and urges the Federal Communications Commission to act in accordance with the views expressed herein.

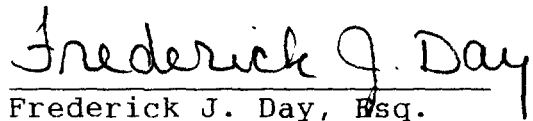
INDUSTRIAL TELECOMMUNICATIONS  
ASSOCIATION, INC.

By:



Mark E. Crosby, President  
and Managing Director

By:



Frederick J. Day, Esq.  
Director, Government Relations

Dated: December 14, 1992